



THE LOST CHILDREN OF THE BORDER CRISIS

No one has escaped the consequences of Biden's border crisis, even children. In fiscal year 2022, U.S. Customs and Border Protection encountered over 152,000 unaccompanied alien children (UACs) illegally crossing the southern border—enough to fill more than 280 middle schools.¹ More concerning still, during 2021 and 2022 the Department of Health and Human Services (HHS) reported being unable to track over 85,000 children they placed with a sponsor while awaiting their immigration hearing.²

Many of the missing children are being trafficked and exploited. During the April 26, 2023 House Judiciary Subcommittee on Immigration Integrity, Security, and Enforcement hearing entitled “The Biden Border Crisis: Exploitation of Unaccompanied Alien Children,” Tara Lee Rodas, an HHS whistleblower, stated, “Whether intentional or not, it can be argued that the U.S. Government has become the middleman in a large scale, multi-billion-dollar, child trafficking operation run by bad actors seeking to profit off the lives of children.”³ Congress can act to ensure that both Americans and UACs are protected.

BACKGROUND

- **After Biden dismantled important border policies, illegal border crossings have been on the rise, including those of UACs.⁴**
 - Department of Homeland Security (DHS) Secretary Alejandro Mayorkas promised not to expel UACs, effectively inviting them to enter whether they have an asylum claim or not.⁵
 - A UAC is a child under the age of 18 who crosses the border without lawful immigration status or a parent or legal guardian to legally care for them.⁶
 - The number of UACs crossing the border reached an all-time high in fiscal year (FY) 2022 with over 152,000 children—nearly twice the FY 2019 number of 76,136.⁷ That amounts to over 415 children per day crossing the border—enough to fill 5 school buses every day.⁸
 - ORR reported that 72% of the UACs in FY 2022 were over 14 years old.⁹
- **UACs are transferred to the care of the HHS after they are apprehended by U.S. Customs and Border Patrol (CBP) to await their immigration hearing.¹⁰**
 - There is an exception for children apprehended from Mexico and Canada. The Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 allows those children to be returned to Mexico or Canada.¹¹
 - All other children are entrusted to HHS within 72 hours of their arrival. The Office of Refugee Resettlement (ORR), an office within HHS, is then charged with caring for children or placing them with sponsors to await their immigration hearing. Sponsors are often a parent or relative already in the U.S.¹² ORR houses UACs in shelters located in Texas and California until a suitable sponsor is found.¹³
 - Under Secretary Xavier Becerra, the focus has been on developing a fast-moving assembly line to get children placed quickly with a sponsor. He was caught on audio urging his staff to speed-up the process of

releasing children, stating, “If Henry Ford has seen this in his plants, he would have never become famous and rich.”¹⁴

- **HHS has routinely demonstrated that they lose many of the children in their care.**
 - HHS policy requires that a “Safety and Well Being Follow Up” phone call must be conducted within 30 days after the child’s release to a sponsor. On the call, the provider should determine if the child is still with the sponsor, enrolled in school, and safe. The provider should document the call and if they were unable to contact them.¹⁵
 - In 2021 and 2022, one third of safety calls were not answered.¹⁶ During those two years, ORR was unsuccessful at contacting over 85,000 children for whom they were responsible.¹⁷
 - HHS’s explanation for losing children is that “[t]here are a number of reasons why a sponsor may not answer a phone call, including not recognizing the phone number or not wishing to speak with government officials.”¹⁸ HHS loses track of children and moves on, ignoring the possibility of abuse, trafficking, or induction into a gang.
 - Further, HHS confirmed that the immigration status of many children’s sponsors is not verified.¹⁹
- **The consequences of not properly caring for these children are dire.**
 - Without communication, HHS officials are not able to ensure that children are in a safe environment. The children may be trafficked or abused without any accountability from HHS.
 - DHS warns that “kids are being rented” or “recycled” in a scheme where children are smuggled back into Central America, only to be sent to America again with fraudulent families. From April 2019 to March 2019, CBP identified 3,100 of these fraudulent families.²⁰ Without properly caring for children who are apprehended, they may be trafficked for another fake family.
 - In April 2023, the New York Times released a detailed exposé documenting the rise in child exploitation, many times by sponsors who are really cartel members or other types of traffickers.²¹ These children are forced into the dangerous jobs, sometimes due to having to pay back their smuggling costs.

POLICY SOLUTIONS

Congress should repeal Section 235 of the Trafficking Victims Protection Reauthorization Act, which grants UACs special accommodations such as expedited processing and other benefits. While it is understandable that the treatment of children deserves special consideration, provisions in current law endanger children by enticing their parents to send them on the long dangerous journey to enter America illegally.²²

Until the border is secured, UACs will remain in danger. In the meantime, Congress can act to ensure that UACs are properly treated and safe. For example:

- Congress may hold HHS and ORR accountable for performing safety checks and calls as the law requires. Congress can require additional transparency of ORR and HHS. For example, HHS could notify governors when UACs are placed in their respective states.
- Congress may require DHS to fingerprint all aliens apprehended at the border. Currently, DHS may only take fingerprints for those over the age of 14 years old.²³ With the proper securities in place, fingerprints for each individual could help CBP officers identify cases of trafficking and abuse.
- Congress may reduce factors that pull children to the border. Reducing pull factors benefits both the children who may not make the dangerous journey and the United States who will not be charged with the impossible task of protecting thousands of these children.
 - For example, Congress could require DHS to receive a sponsor’s immigration status before allowing the child to be released.²⁴ Children are guaranteed entry into the country once they arrive and within days sent to their family members who may have also entered illegally, making it more likely for children to make the dangerous journey to the border.

- Congress may also close loopholes in the TVPRA which treat children from noncontiguous countries differently from those from Mexico and Canada. Because of their status as a UAC, these children are prohibited from being removed immediately. Rather, they are given numerous benefits while they await their hearing regardless of if they have a legitimate claim to be here.²⁵
- Congress may also cancel the Central American Minors (CAM) Refugee and Parole Program.²⁶ The CAM program began during the Obama administration and allows children of parents or guardians who are in the United States to apply for refugee status. Yet, the program generously awards parole for children and parents who do not initially qualify, thereby creating yet another avenue for children to arrive and stay in the United States.

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¹ “Southwest Land Border Encounters.” U.S. Customs and Border Protection. <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> and Riser-Kositsky, “Education Statistics: Facts About American Schools.” Education Week. January 3, 2019. <https://www.edweek.org/leadership/education-statistics-facts-about-american-schools/2019/01>

² Dreier, Hannah. “As Migrant Children Were Put to Work, U.S. Ignored Warnings.” New York Times. April 17, 2023. <https://www.nytimes.com/2023/04/17/us/politics/migrant-child-labor-biden.html>

³ “Testimony by Tara Lee Rodas.” House Judiciary Subcommittee on Immigration Integrity, Security, and Enforcement hearing entitled “The Biden Border Crisis: Exploitation of Unaccompanied Alien Children.” April 26, 2023. <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/rodas-testimony.pdf>

⁴ See more with RPC’s Guide “Policies that Led to the Biden Border Crisis.” chrome-extension://efaidnbmnnpbpcjpcglclefindmkaj/viewer.html?pdfurl=https%3A%2F%2FrepUBLICANpolicy.house.gov%2Fsites%2Fevo-subsites%2FrepUBLICANpolicy.house.gov%2Ffiles%2Fevo-media-document%2FBiden%2520Border%2520Crisis_0.pdf&clen=203116&chunk=true

⁵ “Statement by Homeland Security Secretary Alejandro N. Mayorkas Regarding the Situation at the Southwest Border.” U.S. Department of Homeland Security. March 16, 2021. <https://www.dhs.gov/news/2021/03/16/statement-homeland-security-secretary-alejandro-n-mayorkas-regarding-situation>

⁶ Kandel, William. “Unaccompanied Alien Children: An Overview.” Congressional Research Service. September 1, 2021. <https://www.crs.gov/Reports/R43599?source=search&guid=13ec127274b04a70a0c8c5196c907dca&index=1>

⁷ “Southwest Land Border Encounters.” U.S. Customs and Border Protection. <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> and “Southwest Border Migration FY 2019.” U.S. Customs and Border Protection <https://www.cbp.gov/newsroom/stats/sw-border-migration/fy-2019> and Arthur, Andrew. “Biden Administration Lost-- Yes, Lost- Nearly 20,000 Migrant Children.” Center for Immigration Studies. March 2, 2022. <https://cis.org/Arthur/Biden-Administration-Lost-Yes-Lost-Nearly-20000-Migrant-Children>

⁸ Calculated using average capacity of 80 passengers. <https://www.schoolbusfleet.com/school-bus-faq#4>

⁹ “Fact Sheet: Unaccompanied Children Program.” Administration for Children and Families. May 2, 2023. <https://www.hhs.gov/sites/default/files/uac-program-fact-sheet.pdf>

¹⁰ Arthur, Andrew. “Biden Administration Lost-- Yes, Lost- Nearly 20,000 Migrant Children.” Center for Immigration Studies. March 2, 2022. <https://cis.org/Arthur/Biden-Administration-Lost-Yes-Lost-Nearly-20000-Migrant-Children>

¹¹ Kandel, William. “Unaccompanied Alien Children: An Overview.” Congressional Research Service. September 1, 2021. <https://www.crs.gov/Reports/R43599?source=search&guid=13ec127274b04a70a0c8c5196c907dca&index=1>

¹² Ibid.

¹³ Ibid.

¹⁴ Mosley, Tonya. “Amid a child labor crisis, U.S. state governments are loosening regulations.” NPR Fresh Air. May 4, 2023. <https://www.npr.org/transcripts/1173697113>

¹⁵ “Children Entering the United States Unaccompanied: Section 2” Office of Refugee Resettlement. <https://www.acf.hhs.gov/orr/policy-guidance/children-entering-united-states-unaccompanied-section-2> (Section 2.8.4)

¹⁶ Kight, Stef. “Exclusive: Government can’t reach one-in-three released migrant kids.” Axios. September 1, 2021. <https://www.axios.com/migrant-children-biden-administration-a597fd98-03a7-415c-9826-9d0b5aaba081.html>

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